

ESTTA Tracking number: **ESTTA635977**

Filing date: **10/30/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058839
Party	Defendant Wine Dive, LLC
Correspondence Address	CARL J SPAGNUOLO MCHALE & SLAVIN PA 2855 PGA BOULEVARD PALM BEACH GARDENS, FL 33410 UNITED STATES cspagnuolo@mchaleslavin.com
Submission	Other Motions/Papers
Filer's Name	Carl J. Spagnuolo
Filer's e-mail	ustrademarks@mchaleslavin.com
Signature	/Carl J. Spagnuolo/
Date	10/30/2014
Attachments	4618U_001 SecondNoticeSubSpec 10292014.pdf(121066 bytes) Pages from 4618U_001 SecondNoticeSubSpec 10292014-2.pdf(369985 bytes) Pages from 4618U_001 SecondNoticeSubSpec 10292014-3.pdf(356695 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re: WINE DIVE, LLC,
a Florida limited liability company

Registrant (Registration No. 4,283,391)

**REGISTRANT'S SECOND NOTICE OF
SUBMISSION OF SUPPLEMENTAL SPECIMENS**

Registrant, Wine Dive, LLC, by and through its undersigned attorneys, hereby submits the attached Supplemental Specimens and asks that the Board accept Registrant's Declaration, (attached), and file the two attached Supplemental Specimens into the 4,283,391 Registration prosecution history.

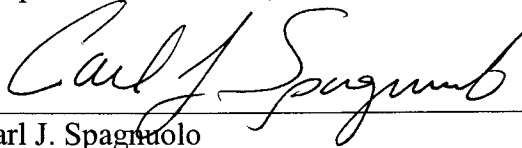
37 C.F.R. §2.59(b) provides that if the applicant files at least one specimen with the statement of use, but the specimen is unacceptable, the applicant may provide a substitute specimen *after the expiration of the time permitted* for filing the statement of use, provided that the applicant verifies that the substitute specimen was in use in commerce before the expiration of the deadline for filing the statement of use. In the case of the '391 Registration, the Registrant had numerous specimens from which to select.

The undersigned was recently engaged as Registrant's legal counsel and, after reviewing the Registrant's business records and its premises, recommended submitting supplemental specimens which tend to more accurately reflect and represent the actual use of the applied-for trademark. The Supplemental Specimens are comprised of: 1). a photo of the actual menu used by the Registrant during the first year of operation; and 2). a photo of the threshold mat that has been present at the entrance of Registrant's business since prior to the expiration of the deadline for filing a Statement of Use.

Once an opposition/cancellation action has been commenced, all documents pertaining to an official trademark record must be filed through the Trademark Trial & Appeal Board. The '391 Registration is presently the subject of Cancellation No. 92058839. Accordingly, Registrant hereby submits the attached Declaration and Supplemental Specimens to the Board and asks that same be filed and made part of the official file prosecution history of Registration No. 4,283,391.

The Registrant previously filed a Notice of Submission of Supplemental Specimens on July 23, 2014 but inadvertently omitted a copy of the Supplemental Specimens. The Registrant submits those specimens with this submission.

Respectfully submitted,

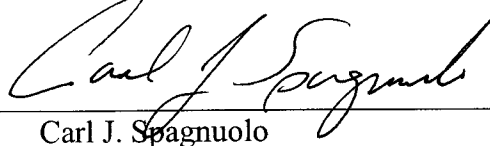


Carl J. Spagnuolo
McHale & Slavin, P.A.
Attorneys for Registrant
2855 PGA Boulevard
Palm Beach Gardens, Florida 33410
(561) 625-6575 F: (561) 625-6572
cspagnuolo@mchaleslavin.com

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the foregoing REGISTRANT'S NOTICE OF SUBMISSION OF SUPPLEMENTAL SPECIMENS was filed electronically with the Trademark Trial and Appeal Board using the ESTTA filing system, on October 30, 2014. Notice of this filing will be sent to counsel for all parties by email and U.S. Mail to the following Address:

Sheila Fox Morrison
Davis, Wright, Tremaine, LLP
1300 SW Fifth Avenue, Suite 2400
Portland, Oregon 97201
sheilafoxmorrison@dwt.com



Carl J. Spagnuolo

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Wine Dive, LLC d/b/a Snooty's Wine Dive, LLC
Registration No. : 4283391
For : SNOOTY'S WINE DIVE
TTAB Proceeding No. : 92058839
Atty. File No. : 4618U.000001

**DECLARATION UNDER § 2.20 SUPPORTING USE OF SUBSTITUTE AND
SUPPLEMENTAL SPECIMENS**

Commissioner of Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

1. That the below listed individual is an officer of Registrant Corporation, Wine Dive, LLC d/b/a Snooty's Wine Dive, LLC, and hereby state that Registrant is owner of the mark "Snooty's Wine Dive" which is the subject matter of this registration, and that I am authorized to make this Declaration Under 37 C.F.R. § 2.20 Supporting Use of Substitute and Supplemental Specimens.

2. That the supplemental specimen was in use in commerce prior to the expiration of the deadline for filing the Statement of Use.

3. That I am hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, I declare that the facts set forth in this application are true; that all statements made of my own knowledge are true; and that all statements made on information and belief are believed to be true.

Respectfully submitted,
Wine Dive, LLC d/b/a Snooty's Wine Dive, LLC


Sandra Lawson
Title: MGRM

Dated: 7-16-2014



SNOOTY'S WINE DIVE

FULL MENU SERVED 4PM - 10PM

GRILLED FLATBREADS

WALNUTS & BLUE CHEESE

MASCARPONE + ROASTED GRAPES + CARAMELIZED ONIONS

DUCK CONFIT

SMOKED GOUDA + GRILLED PEARS + ARUGULA + PEAR JAM

4 CHEESE & BLACK TRUFFLE

OREGANO + TOMATOES + PARMESAN + GRUYERE + MOZZARELLA + ROMANO

ARTISAN CHEESES

PECAN & DATE PATE + TRUFFLE HONEY + FRESH FRUIT

CHOICE OF 3 - \$15 CHOICE OF 5 - \$24 CHOICE OF 7 - \$33

GRANA PADANO D (COW, ITALY)

AGED 20 MONTHS

CROTTIN MAITRE SEGUIN (GOAT, FRANCE)

MIMOLETTE (COW'S MILK, FRANCE)

FISCALINI (CHEDDAR, CALIFORNIA)

TOMME DE SAVOIE (COW, FRANCE)

PONT L'EVEQUE (COW, FRANCE)

UBRIACO DEL PIAVE (COW, ITALY)

CURED MEATS/PATE

BAEY PICKLES, CIPOLINI ONIONS & WHOLE GRAIN MUSTARD

SMOKED BREAST OF DUCK

MAPLEWOOD SMOKED BREAST OF MUSCOVY DUCK

SERRANO HAM

DRY-CURED SPANISH HAM

SOPPRESATA

ITALIAN CURED DRY SALAMI

MORTADELLA

HEAT-CURED PORK SAUSAGE

BRESAOLA

DRY-CURED BEEF

Pate

HOUSE MADE WITH PORT WINE JELLIES

CHORIZO

SPICY SPANISH SAUSAGE FLAVORED WITH PAPRIKA

GREENZ

BABY GREENS

CIPOLINI ONIONS + FRENCH FRIED BEANS + QUAIL EGGS + CHAMPAGNE + MEYER LEMON

SUGAR BEETS \$8

GOAT CHEESE + SPINACH + CANDIED PECANS + ROASTED PEPPERS + PAPAYA DRESSING

BEEF CARPACCIO \$8

GOAT CHEESE + GUAVA + ARUGULA + YUCCA + ONIONS + CRUSHED PEPPERCORNS

TASTE INZ

SCALLOPS

\$16

SMOKED PORK BELLIES + PURPLE POTATOES + SWEET PEA PUREE

MAINE LOBSTER & ASPARAGUS BISQUE

\$12

MAINE LOBSTER + ASPARAGUS + TARRAGON + TOMATOES + CREAM

FRENCH GREEN BEANS

\$8

LEEKS + PROSCIUTTO

RISOTTO

\$8

WILD MUSHROOMS + RICOTTA + ROMANO + ROASTED PEPPERS

TRUFFLE MAC N CHEESE

\$14

BLACK TRUFFLES + GRUYERE CHEESE + TRUFFLE CRUMBS

LOBSTER MAC N CHEESE

\$17

MAINE LOBSTER + IRISH CHEDDAR CHEESE + CROISSANT CRUMI

TUNA TACOS

\$13

CILANTRO SOUR CREAM + SPANISH RICE + PICO DE GALLO + PINEAPPLE + LIME

BISON SLIDERS

\$14

ARUGULA + SMOKED GOUDA + ITALIAN BACON + ROMA TOMATO HERB MAYO

SHRIMP AND GRITS

\$13

TOMATOES + GUMBO + GARLIC + TOBACCO + LEMON

SMOKED MAC N CHEESE

SMOKED GOUDA + PORK BELLIES + SMOKED JALAPENO DUST + GREEN PEA CREAM

SKILLET

\$12

BRIE + MARSALA WINE + MUSHROOMS + PRETZEL BREAD

MUSSELS

\$13

TASSO HAM + WHITE WINE + TOMATOES + SCALLIONS + BLACK GARLIC

FIGS

\$10

APPLE WOOD BACON + CAMEMBERT CHEESE + FIG HONEY

BISON SLIDERS "BLT"

\$14

BRIE + ITALIAN BACON + ROMA TOMATO + ARUGULA